

REMARKS

After entry of this amendment, claims 1, 3-18, and 20-25 are pending. Claim 2 has been cancelled without prejudice or disclaimer. New claims 22-25 have been added. New claim 22 finds support in the specification at page 6, lines 8-9. New claim 23 finds support at page 6, lines 12-14. New claim 24 finds support in the original claim 15. New claim 25 finds support in the specification at page 6, lines 8-9 and page 67, Example 17. The claims have been amended without prejudice or disclaimer to better comply with U.S. practice and to correct typographic errors. The amended claims find support *inter alia* in the original claims. Further support for the amended claim 1 is found in the original claim 2 and in the specification at page 3, lines 25-27 and page 4, lines 18-21. Claim 12 finds further support in the original claim 12. Further support for claim 13 is found in the specification at page 38, lines 1-3 and page 6, lines 6-7. Claim 16 find further support in the original claim 2. No new matter has been added.

In response to the restriction requirement set forth in the Office Action mailed October 10, 2007, Applicants provisionally elect Group I with traverse. Applicants believe that there is no undue burden on the Examiner to search this invention.

Alternatively, Applicants respectfully request that at least Groups I, VI, VIII and XIII be considered together. The claims of Groups I, VI, VIII and XIII are all directed to expression constructs or vectors comprising the ptxA promoter, or functional equivalent thereof, and method of use these transgenic expression constructs or vectors for the transgenic expression of nucleic acid sequences in non-human organism and the use of such transgenic organism. Under the correct standard for determining unity of invention, the claims of Groups I, VI, VIII and XIII all share the same or corresponding technical features of using a ptxA promoter, or functional equivalent thereof, in the preparation of an expression construct or vector (Group I), or transgenic organisms comprising such construct or vector (Group VI), or methods of using such transgenic organisms (Groups VIII and XIII).

Additionally, unity of invention is further fulfilled because the claims of Groups I, VI, VIII and XIII are directed to a product and a process of use said product, which are an acceptable combination of categories for unity pursuant to 37 CFR § 1.475(b)(3). Accordingly, Applicants respectfully request that the Examiner reconsider the restriction requirement and examine the claims of Groups I, VI, VIII and XIII in one application.

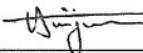
For the above reasons, Applicants respectfully request reconsideration and withdrawal of this restriction requirement.

Applicants reserve all rights to pursue the non-elected species in one or more divisional application.

Applicants enclose herewith a copy of the Written Opinion of the International Searching Authority.

Applicants are submitting their response within the one-month response period to and including November 13, 2007 to respond to the Office Action mailed October 10, 2007, pursuant to 37 CFR § 1.7. No fee is believed due. However, if any fee is due, the Director is hereby authorized to charge our Deposit Account No. 03-2775, under Order No. 13987-00021-US from which the undersigned is authorized to draw.

Respectfully submitted,

By 
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